

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KINGSTON OIL SUPPLY CORP., a
New York corporation,

Plaintiff,

ANSWER

v.

BOTTINI PROPANE, INC., a
New York corporation,

Civil Action No.: 08 CIV 4253(BSJ)

Defendant.

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Defendant, BOTTINI PROPANE., INC., by its attorneys, Wichler & Gobetz, P.C., Attorneys at Law, as its answer to the Complaint, respectfully denies each and every allegation contained in the Complaint not expressly admitted, qualified or expressly referred to below.

Defendant further:

1. Denies knowledge sufficient to form a belief as to the truth of the allegations contained in paragraphs 2, 6, 7-10, 22 of the Complaint.
2. Denies the allegations contained in paragraphs 11-21, 24-28, 30-34 , and 36-37 of the Complaint.
3. Admits the allegations contained in paragraphs 1, 3, 5 of the Complaint.
4. Denies that Defendant has caused any injury to Plaintiff as alleged in paragraph 4, states that the case should have been assigned to the White Plains Courthouse because the claim arose entirely in Dutchess County and Defendant has its place of business in Dutchess County (see Rule 21(a)(i) of the Rules for the Division of Business for the United States District Court for the Southern District of New York), but otherwise admits the allegations contained in paragraph 4 of the Complaint.

5. Defendant repeats and realleges its responses in response to the allegations contained in paragraphs 23, 29 and 35 of the Complaint.

WHEREFORE, Defendant demands Judgment against Plaintiff dismissing the Complaint with prejudice and such further relief as the Court deems just and proper, including, the costs and disbursements of this action.

Dated: June 13, 2008
Suffern, New York

Respectfully submitted.

By: s/
Kenneth C. Gobetz, Esq. (KG 5431)
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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that service of the foregoing Answer has been made on June 13, 2008, by mailing a copy, to:

Stephen W. Feingold
Barry Benjamin
DAY PITNEY LLP
7 Times Square
New York, New York 10036-7311

s/

Kenneth C. Gobetz